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AMERICAN PEACE SOCIETY'S MEMORANDA

By A. D. CALL,
Secretary of the American Peace Society

[The Commissioners of the Peace Conference have been furnished with memoranda anent the attitude of the American Peace Society toward the League of Nations, and also as to its convictions as to right forms of international relations in the light of American national experience and judicial ideals. This document for instruction and illumination of the Commissioners was prefaced by a letter from the secretary of the society, which read:

Hotel Lutetia, 43 Boulevard Raspail,
PARIS, FRANCE.

To the Honorable Commissioners to Negotiate Peace, Paris.

GENTLEMEN: The American Peace Society with headquarters at Washington, D. C., traces its beginning to the months shortly succeeding the Congress of Vienna in 1815. For practically a century it has through many thousands of occasional publications and through its monthly organ, the *ADVOCATE OF PEACE*, published regularly since 1834, stood steadfastly for the principles of a governed world to the end that wars might cease and a peace of justice prevail.

In behalf of that society, of which I have the honor to be the representative at this time in Paris, I beg leave to submit to the Honorable Commissioners to Negotiate Peace the accompanying memoranda as expressions of its position in the light of the present world situation.

The stand of President Wilson for some method to terminate international wars as far as possible has naturally won from the outset the keen interest and enthusiastic support of the American Peace Society.

Too, this Society has been greatly encouraged by the world-wide interest and the intelligent purpose among the distinguished statesmen of practically all lands to solve the hitherto inscrutable problem of supplanting the modes of war with the methods of law, of substituting for international force the principles of right and reason.

The anxious eyes of a troubled world are turned wistfully towards the Commissioners now in Paris, and men everywhere pray that their labors in behalf of a more permanent peace among the nations may succeed in spite of, indeed, perhaps because of the failure of all similar efforts heretofore.

G. P. M.]

The Memoranda

"If to please the people we offer what we ourselves disapprove, how can we afterward defend our work?"—A remark by George Washington relative to the Constitutional Convention at Philadelphia, 1787.

Speaking before both houses of the United States Congress, December 3, 1918, Mr. Wilson, setting forth his reasons for attending the Paris Conference, said:

"I shall make my absence as brief as possible and shall hope to return with the happy assurance that it has been possible to translate into action the great ideals for which America has striven."

In the light of this statement by the President of the United States the following "great ideals for which America has striven" may appropriately be recalled.

CERTAIN AMERICAN IDEALS.

In the first place we may remind ourselves that the United States of America constitute a Union of free, sovereign, and independent States formed for the purpose of establishing justice and assuring the blessings of liberty for themselves and their posterity.

Such an "Union" was found to be necessary because, not unlike the various States of the world today, the thirteen free, sovereign, and independent States of that day were confronted with debts, commercial rivalries, inefficiencies, inequality of States, separate treaties, violations of contracts, depreciated currency, varieties of opinion and practice, rebellion; in short, international anarchy.

The American States set themselves to the task of meeting and overcoming these difficulties; and, so far as the relations of the States were concerned, the fifty-five delegates to the Constitutional Convention at Philadelphia in 1787 gave to the world what may be called its chief object-lesson among international conferences. Difficulties perplexing the nations today were met and overcome by men of that day. They established a more perfect society of nations, granted to the Society certain powers separate from the powers of each State, yet providing for the independence of both the Society and the States.

The two agencies for promoting peace between the original thirteen States of the American Union, agencies which successfully maintain the peace now between forty-eight free, sovereign, and independent States of that Union, agencies founded in the principle that the end and aim of States is justice based upon law, are: first, a law-making; second, a law interpreting body for the States. Men of good-will in the United States, heartened by this experience, have, therefore, consistently stood and still stand for a Congress and High-Court for the Nations.

Questions of sovereignty, inequality, and coercion of States were met and answered, it is believed, for all time by that International Conference of 1787.

The American States retained such sovereign powers as they deemed necessary for their individual well-being, and they delegated to the Union of their making other sovereign powers necessary to the well-being of the States as a whole.

The inequality of States was adjusted satisfactorily by a dual system of representation now familiar to all.

Even more significant for the Society of Nations they faced and overcame the problems involved in the coercion of States. Early in the proceedings of the Conference they discovered that the only way to coerce a State is by war, a thing they greatly desired to avert. Yet they recognized the necessity for force if in special instances law were to be effective. They met this seeming paradox by the simple provision that the Union may through its courts reach over the sovereignty of the State and seize an individual charged with violation of a law of the Union and bring him for trial before the court. Thus, "The More Perfect Union" of the United States can and does coerce persons, but not states, as under this system of international organization the coercion of States is found to be unnecessary. That once

there was war between the States of the American Union has no bearing upon the system herein set forth, as that war involved the continued existence of human slavery as an institution.

To the charge that wars are produced more by political than by judicial controversies and that therefore a High-Court of Nations would be of little avail, America again has a contribution; for under the practice of the High-Court of the Union in controversies between the States even political questions if submitted by mutual agreement to the court for judgment do by that very agreement become justiciable, a principle expressly held by various decisions of the court in controversies between the States. Thus, in the American system there are no controversies between States which may not be settled by the Supreme Court of the Union of sovereign States, and in accord with the principles of law and equity.

THE RIGHTS AND DUTIES OF NATIONS.

Attention is further respectfully called to the following series of principles officially adopted by the American Peace Society and conspicuously displayed in each number of the *ADVOCATE OF PEACE* since the United States entered the present war. It may be added that these principles are perfectly consonant with American jurisprudence, that they have been unanimously approved by the American Institute of International Law, by the American Group of the Interparliamentary Union, indeed, as specifically here stated they are principles based upon decisions of the Supreme Court of the United States.*

A SUGGESTIVE INTERNATIONAL PROGRAM FOR PEACE THROUGH JUSTICE.

The suggestions first adopted by the American Peace Society, January 21, 1917, later unanimously adopted by the American Group of the Interparliamentary Union, and adopted with a Preamble, January 23, 1917, by the American Institute of International Law at its meeting in Havana, Cuba, under the caption of "The Recommendations of Havana," are also respectfully submitted for consideration.*

CONCLUSION.

These contributions of America to the cause of justice between nations partake of the very life of America, and constitute an abiding object lesson in successful international co-operation and achievement. If in 1787 men of good-will could adjust questions of sovereign powers between thirteen, now forty-eight free, sovereign, and independent States; if they could settle to the satisfaction of all parties the difficulties of representation between large and small States; if they could point out the path along which coercion must operate to the establishment of justice; and if they could open the way for all international questions to be solved by the sweet reasonableness of law and equity, these things can be done for other States by other similarly minded men

seeking the means of establishing a more perfect Society of Nations where the practices of war may cease because they shall no longer be necessary. This possibility was foreseen by Benjamin Franklin, America's first great representative to the country and very city where men now seek a form of international organization which shall establish and maintain a righteous peace for an expectant world. Writing to his friend in Europe, Mr. Grand, October 22, 1787, Mr. Franklin said:

"I send you enclos'd the propos'd new Federal Constitution for these States. I was engag'd 4 Months of the last Summer in the Convention that form'd it. It is now sent by Congress to the several States for their Confirmation. If it succeeds, I do not see why you might not in Europe carry the Project of good Henry the 4th into Execution, by forming a Federal Union and one Grand Republic of all its different States & Kingdoms; by means of a like Convention; for we had many interests to reconcile."—

Finally, all that is here said may be fittingly summarized in the noble and abiding sentence of President Wilson fittingly spoken before the tomb of George Washington, July the fourth, 1918:

"What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind."

All of which is respectfully submitted.

THE CALL.

O. R. HOWARD THOMSON in *N. Y. Times*

Will ye leave the world unguarded, with the lie that
your work has ceased?
Will ye turn to trade and barter, when ye should
forge chains for the Beast?
Guarding your isolation, as a lion guards his den,
Lest the peoples who fought for freedom may prove
to be lesser men?

Will ye praise your buried prophets, in order to
shirk the task?
Will ye quote their ancient sayings, as a cloak
wherewith to mask
Your lack of faith in nations that their blood un-
stinted shed
That Liberty might not perish, nor Justice bow her
head?

Silence your timorous doubters! Ye are sons of the
men who dared
The uttermost faith in each other when first was
thy creed declared:
Yours is the voice awaited—it is yours to make or
mar.
Will ye build as your fathers builded, or oppose
mere words to war?

I, the Lord, call upon you—I, who am Lord of your
hosts,
To summon the men of your cities, to summon the
men of your coasts,
To league with mine other peoples, to 'stablish my
statutes at length,
That the gates shall be closed to warfare, and just-
ice be stronger than strength.

* See second page of cover of this issue.